

2021 Regular Session

HOUSE BILL NO. 391

BY REPRESENTATIVE MAGEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAL MARIJUANA: Authorizes the recommendation of medical marijuana in raw or crude form and limits the dispensing of such product

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AN ACT

To amend and reenact R.S. 40:1046(A)(1) and to enact R.S. 40:1046(A)(5) and (C)(2)(1), relative to recommendation by physicians of marijuana for therapeutic use, known also as medical marijuana; to provide for forms of medical marijuana which a physician may recommend; to establish limitations on dispensing of certain forms of medical marijuana; to provide for rules and regulations of the Louisiana Board of Pharmacy relative to medical marijuana; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(1) is hereby amended and reenacted and R.S. 40:1046(A)(5) and (C)(2)(1) are hereby enacted to read as follows:

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; production facility licensing by the Department of Agriculture and Forestry

A.(1) Notwithstanding any other provision of this Part, any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy, except for inhalation, and raw or crude marijuana, tetrahydrocannabinols, or a chemical

1 derivative of tetrahydrocannabinols for therapeutic use by any patient clinically
2 diagnosed as suffering from a debilitating medical condition. Nothing in this
3 Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from
4 permitting, by rule, medical marijuana in a form to be administered by metered-dose
5 inhaler. For purposes of this Section, "metered-dose inhaler" means a device that
6 delivers a specific amount of medication to the lungs, in the form of a short burst of
7 medicine that is usually self-administered by the patient via inhalation.

8 * * *

9 (5)(a) No pharmacy authorized to dispense marijuana for therapeutic use in
10 accordance with the provisions of this Section shall dispense more than two and one-
11 half ounces, or seventy-one grams, of raw or crude marijuana every fourteen days
12 to any individual patient.

13 (b) No pharmacy authorized to dispense marijuana for therapeutic use in
14 accordance with the provisions of this Section shall dispense raw or crude marijuana
15 to any person under twenty-one years of age without a written order from a physician
16 specifically recommending marijuana in raw or crude form for that person.

17 * * *

18 C.

19 * * *

20 (2) The rules shall include but not be limited to:

21 * * *

22 (1) The limitations on dispensing of raw or crude marijuana as provided in
23 Paragraph (A)(5) of this Section.

24 * * *

25 Section 2. This Act shall become effective on January 1, 2022.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 391 Original

2021 Regular Session

Magee

Abstract: Authorizes the recommendation of medical marijuana in raw or crude form and limits the amount of such marijuana that may be dispensed.

Present law authorizes physicians who are licensed by and in good standing with the La. State Board of Medical Examiners to recommend marijuana for therapeutic use, known commonly as "medical marijuana", by patients clinically diagnosed as suffering from any debilitating medical condition defined in present law. Provides that physicians may recommend medical marijuana in any form allowed by the rules and regulations of the La. Board of Pharmacy except for the following forms:

- (1) Inhalation form.
- (2) Raw or crude marijuana.

Proposed law repeals the prohibition on physicians recommending medical marijuana in inhalation form and raw or crude form.

Proposed law prohibits pharmacies authorized by present law to dispense medical marijuana from doing any of the following:

- (1) Dispensing more than two and one-half ounces (71 grams) of raw or crude marijuana every 14 days to any individual patient.
- (2) Dispensing raw or crude marijuana to any person under 21 years of age without a written order from a physician specifically recommending marijuana in raw or crude form for that person.

Effective Jan. 1, 2022.

(Amends R.S. 40:1046(A)(1); Adds R.S. 40:1046(A)(5) and (C)(2)(1))